

**RULES 63 AND 67 (37 C.F.R. 1.63 and 1.67)  
DECLARATION AND POWER OF ATTORNEY**

**FOR UTILITY/DESIGN/CIP/PCT NATIONAL APPLICATIONS**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, and

I believe that I am an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **MODIFIED ATMOSPHERE PACKAGES AND METHODS FOR MAKING THE SAME**, the specification of which: (mark only one)

- X   (a) is attached hereto.  
       (b) was filed on \_\_\_\_\_ as Application Serial No. \_\_\_\_\_  
           and was amended on \_\_\_\_\_ (if applicable)  
       (c) was filed as PCT International Application No. PCT/ \_\_\_\_\_ on  
           \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).  
       (d) was filed on \_\_\_\_\_ as Application Serial No. \_\_\_\_\_  
           and was issued a Notice of Allowance on \_\_\_\_\_  
       (e) was filed on \_\_\_\_\_ and bearing attorney docket number \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as amended by any amendment referred to above or as allowed as indicated above.

I acknowledge the duty to disclose all information known to me to be material to the patentability of this application as defined in 37 CFR § 1.56. If this is a continuation-in-part (CIP) application, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the Office all information known to me to be material to the patentability of the application as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

I hereby claim foreign priority benefits under 35 U.S.C. § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate filed by me or my assignee disclosing the subject matter claimed in this application and having a filing date (1) before that of the application on which my priority is claimed or, (2) if no priority is claimed, before the filing date of this application:

**PRIOR FOREIGN PATENTS**

Number

Country

Month/Day/  
Year Filed

Date first laid-  
open or  
Published

Date  
patented or  
Granted

Priority Claimed  
Yes No

NONE

I hereby claim the benefit under 35 U.S.C. § 120/365 of any United States application(s) listed below and PCT international applications listed above or below:

0005426-092701

PRIOR U.S. OR PCT APPLICATIONS

NONE

(Application Serial No.)

(Filing Date)

(Status)

I hereby appoint:

TIMOTHY G ACKERMANN, Reg. No. 44,493  
BENJAMIN J BAI, Reg. No. 43,481  
JOSEPH M BEAUCHAMP, Reg. No. 46,544  
MARY JO BOLDING, Reg. No. 34,713  
MARGARET A BOULWARE, Reg. No. 28,708  
DANIEL J BURNHAM, Reg. No. 39,618  
THOMAS L CANTRELL, Reg. No. 20,849  
RONALD B COOLLEY, Reg. No. 27,187  
THOMAS L CRISMAN, Reg. No. 24,846  
STUART D DWORK, Reg. No. 31,103  
WILLIAM F ESSER, Reg. No. 38,053  
ROGER J FRENCH, Reg. No. 27,786  
JANET M GARETTO, Reg. No. 42,568  
MARK GATSCHE, Reg. No. 42,569  
JOHN C GATZ, Reg. No. 41,774  
RUSSELL J GENET, Reg. No. 42,571  
GERALD H GLANZMAN, Reg. No. 25,035  
LEKHA GOPALAKRISHNAN, Reg. No. 46,733  
J KEVIN GRAY, Reg. No. 37,141  
KEITH P. GRAY, Reg. No. 46,738

STEVEN R. GREENFIELD, Reg. No. 38,166  
JOSHUA A. GRISWOLD, Reg. No. 46,310  
J PAT HEPTIG, Reg. No. 40,643  
SHARON A. ISRAEL, Reg. No. 41,867  
JOHN R. KIRK, JR., Reg. No. 24,477  
PAUL R. KITCH, Reg. No. 38,206  
TIMOTHY M. KOWALSKI, Reg. No. 44,192  
JAMES F. LEA III, Reg. No. 41,143  
HSIN-WEI LUANG, Reg. No. 44,213  
ROBERT W. MASON, Reg. No. 42,848  
ROGER L. MAXWELL, Reg. No. 31,855  
LISA H. MEYERHOFF, Reg. No. 36,869  
STANLEY R. MOORE, Reg. No. 26,958  
RICHARD J. MOURA, Reg. No. 34,883  
MARK V. MULLER, Reg. No. 37,509  
P. WESTON MUSSELMAN, JR., Reg. No. 31,644  
DANIEL G. NGUYEN, Reg. No. 42,933  
MICHAEL K. NUTTER, Reg. No. 44,979  
SPENCER C. PATTERSON, Reg. No. 43,849  
RUSSELL N. RIPPAMONTI, Reg. No. 39,521

ROSS T. ROBINSON, Reg. No. 47,031  
STEPHEN G. RUDISILL, Reg. No. 20,087  
BOILLY L. RUDNICK, Reg. No. 43,965  
JL JENNIE SALAZAR, Reg. No. 45,065  
KEITH W. SAUNDERS, Reg. No. 41,462  
JERRY R. SELINGER, Reg. No. 26,382  
JAMES O. SKARSTEN, Reg. No. 28,346  
ZACHARY J. SMOLINSKI, Reg. No. 47,100  
GARY B. SOLOMON, Reg. No. 44,347  
STEVE Z. SZCZEPANSKI, Reg. No. 27,957  
ANDRE M. SZUWALSKI, Reg. No. 35,701  
ALAN R. THIELE, Reg. No. 30,694  
TAMSEN VALOIR, Reg. No. 41,417  
RAYMOND VAN DYKE, Reg. No. 34,746  
BRIAND WALKER, Reg. No. 37,751  
GERALD T. WELCH, Reg. No. 30,332  
HAROLD N. WELLS, Reg. No. 26,044  
WILLIAM D. WIESE, Reg. No. 45,217

all of the firm of **JENKENS & GILCHRIST, a Professional Corporation**, 1445 Ross Avenue, Suite 3200, Dallas, Texas 75202-2799, as my attorneys and/or agents, with full power of substitution and revocation, to prosecute this application, provisionals thereof, continuations, continuations-in-part, divisionals, appeals, reissues, substitutions, and extensions thereof and to transact all business in the United States Patent and Trademark Office connected therewith, to appoint any individuals under an associate power of attorney and to file and prosecute any international patent application filed thereon before any international authorities, and I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization who/which first sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct them in writing to the contrary.

Please address all correspondence and direct all telephone calls to:

Ronald B. Coolley, Esq.  
Jenkins & Gilchrist, P.C.  
1445 Ross Avenue, Suite 3200  
Dallas, Texas 75202-2799  
312/425-3900  
214/855-4300 (fax)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAMED INVENTOR(S)

1 Marcus C. Merriman Marcus C. Merriman 7/23/01  
Full Name Inventor's Signature Date  
Fairport, NY, USA United States  
Residence (city, state, country) Citizenship

1 Galley Hill Lane, Fairport, NY 14450  
Post Office Address (include zip code)

2 Gary R. DelDuca Gary R. DelDuca 7/23/01  
Full Name Inventor's Signature Date  
Canandaigua, NY, USA United States  
Residence (city, state, country) Citizenship

82 Howell St. Canandaigua, NY 14424  
Post Office Address (include zip code)

3 Vinod K. Luthra Vinod K. Luthra 7/23/01  
Full Name Inventor's Signature Date  
21, BARRINGTON HILLS, Pittsford (N.Y.) 14534 United States  
Residence (city, state, country) Citizenship  
PITTSFORD (N.Y.) 14534  
Post Office Address (include zip code)

4 Stephen L. Goulette Stephen L. Goulette 07.23.01  
Full Name Inventor's Signature Date  
NEWARK, NY, USA United States  
Residence (city, state, country) Citizenship

5131 BAILEY RD, NEWARK, NY 14513  
Post Office Address (include zip code)

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